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**Mayer & Williams PC**  
Intellectual Property Law

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**Fax**

<b>To:</b> Office of Petitions	<b>From:</b> Marjorie Scariati
<b>Fax:</b> 571-273-8300	<b>Pages:</b> 6
<b>Phone:</b>	<b>Date:</b> 9/26/06
<b>Re:</b> 10/729,526	<b>CC:</b>

☐ Urgent    ☒ For Review    ☐ Please Comment    ☐ Please Reply    ☐ Please Recycle

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Please see the attached Petition To Revive Unintentionally Abandoned Application Under 37 CFR 1.37(b), Accompanying Statement, and Part-B Issue Fee Transmittal

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P.01 Sep 26 2006 19:49

MAYER & WILLIAMS PC Fax: 908-518-7795

Serial No.: 10/729,526

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Michael Magers

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Serial No.: 10/729,526

**SEP 26 2006**

Filed: 12/05/2003

Title: METHOD FOR DETERMINING EFFECTIVE THERMAL MASS OF A BODY OR  
ORGAN USING A COOLING CATHETER

Art Unit: 3739

Examiner: Roy Dean Gibson

Confirm. No.: 2416

Docket No.: 055003

Via Facsimile: 571-273-8300

Attn: Office of Petitions

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**PETITION TO REVIVE UNINTENTIONALLY ABANDONED APPLICATION UNDER**  
**37 CFR 1.137(b), ACCOMPANYING STATEMENT, AND**  
**PAYMENT OF ISSUE AND PUBLICATION FEES**

Sir:

This Petition to Revive Unintentionally Abandoned Application is filed in response to the Notice of Abandonment mailed September 26, 2005.

As per the Notice of Abandonment, the applicant failed to timely pay the required Issue and Publication Fees in response to the Notice of Allowance mailed April 7, 2005. The entire delay in paying the required fees was unintentional, as the Notice of Allowance was never received by the undersigned.

Enclosed please find a statement signed by a representative of the firm of Mayer Fortkort & Williams (now Mayer & Williams PC), in which the representative states that the Notice of Allowance was not received, and attests to the fact that a search of the file jacket and docket

1 09/27/2006 TL0111 00000058 501047 10729526  
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SEP 26 2006

Serial No.: 10/729,526

records indicates that the Notice of Allowance was not received. A copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed is enclosed as well.

Per the requirements of the Notice of Allowability mailed April 7, 2005 (retrieved off the PTO PAIR system on September 26, 2006), applicant submits herewith a completed Part-B Issue Fee Transmittal and payment of the required Issue and Publication fees accordingly.

In view of the above circumstances, and the payment of all required fees herewith, Applicant hereby petitions the Commissioner grant this Petition to Revive. It is respectfully requested that the Notice of Abandonment be withdrawn, and the application proceed to issuance accordingly.

While the PTO is hereby authorized to charge the \$750 Petition Fee (Small Entity) to the undersigned attorney's PTO Deposit Account #50-1047, it is respectfully requested that the petition fee be refunded upon grant of this petition due to the circumstances described above. The Commissioner is hereby authorized to charge the issue and publication fees, as well as any additional fees that may be due as a result of this Petition, to the undersigned attorney's PTO Deposit Account #50-1047.

Respectfully submitted,

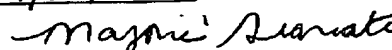
  
Karin L. Williams Reg. No. 36,721

**Attorney for Applicant**  
Mayer & Williams, PC  
251 North Avenue West, 2<sup>nd</sup> Floor  
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this document, and any document referenced herein, has been transmitted via facsimile to the US Patent and Trademark Office, Office of Petitions at (571) 273-8300 on 9/26/06.

  
**Marjorie Scariati**  
(Printed Name of Person Faxing Correspondence)

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To The Office of Petitions:

The undersigned states that the Notice of Allowance mailed to Mayer Fortkort & Williams on April 7, 2005 in patent application 10/729,526 was never received at the office of Mayer Fortkort & Williams. A search of the file jacket and docket records confirms that the Notice of Allowance mailed April 7, 2005 was never received. A copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed is attached hereto.

Signed:

Marjorie Scamati

Printed name and title: MARJORIE SCAMATI  
SENIOR PATENT PARALEGAL

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**SEP 26 2006**

**Country Application**

**Tuesday, September 26, 2006**

<b>Case Number:</b> 2050/2	<b>Country:</b> US	<b>SubCase:</b> C2
<b>Client:</b> Innercool Therapies	United States of America	
<b>Case Type:</b> CON	<b>Application Status:</b> ABANDON	
<b>Application Number:</b> 10/729,526	<b>Filing Date:</b> 05-Dec-2003	
<b>Patent Number:</b>	<b>Issue Date:</b>	
<b>Publication Number:</b> 040116987	<b>Publication Date:</b> 17-Jun-2004	
<b>Priority Number:</b> 09/586,000	<b>Priority Date:</b> 02-Jun-2000	
<b>Tax Schedule:</b> SE	<b>Expiration Date:</b>	
	<b>Tax Start Date:</b>	

**Agent:**

**Agent Reference Number:**

**List Of Actions**

Action(s) Due	Due Date	Action Taken
Foreign Filing Reminder	02-Dec-2000	Due Date 02-Dec-2000
Foreign Filing Due	02-Jun-2001	Final 02-Jun-2001
Request for Examination	02-Jun-2003	Due Date 02-Jun-2003
Information Disclosure Stmt	05-Mar-2004	Due Date 12-Mar-2004
Application Status Check	05-Jun-2005	Due Date
DEADLINE TO REVIVE !	26-Sep-2006	Due Date

**User ID:** Marjorie

**Date Created:** 20-Aug-2004

**Last Update:** 26-Sep-2006